

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHARON K. RANKIN,

Plaintiff,

v.

W.K. STETSON MD, A licensed
Physician; C.A. SUTERA MD, A licensed
Physician; CHADRON MEDICAL
CLINIC PC, A Nebraska Professional
Corporation; and DOES I - X, inclusive.

Defendants.

Case No. _____

NOTICE OF REMOVAL

Sharon Rankin, Plaintiff in the above-captioned matter, by and through her counsel of record, removes this action from the District Court of Dawes County, Nebraska to the United States District Court for the District of Nebraska. Removal is proper under the following grounds:

1. This action was commenced in the District Court of Dawes County on October 28, 2004, and said action is still pending. At that time, Rankin was a resident of Chadron, Dawes County, Nebraska.
2. On January 2, 2007, the Dawes County District Court case was dismissed pursuant to an order granting Defendants Motion for Summary Judgment. Plaintiff appealed that order at the Nebraska Court of Appeals. The Nebraska Supreme Court, on its own motion, removed that matter to its docket. On May 23, 2008, the Nebraska Supreme Court ruled in favor of Mrs. Rankin, reversing the order granting

Defendants Motion for Summary Judgment and remanding the matter for trial.

3. While the Dawes County District Court was divested of jurisdiction due to the pendency of the appeal, Sharon Rankin moved from Chadron, Nebraska to Huber Heights, Ohio, and is now a citizen of the State of Ohio.
4. Defendants herein remain citizens of the State of Nebraska.
5. The amount in controversy, exclusive of costs, exceeds \$75,000.00.
6. This Court has original jurisdiction over this action because complete diversity exists between the parties pursuant to 28 U.S.C. §1332 and §1441. Removal of this action to the United States District Court for the District of Nebraska is proper under 28 U.S.C. §1441(a).
7. This notice has been filed with this Court within thirty (30) days of the return of the mandate of the Nebraska Supreme Court to the Dawes County District Court.
8. The United States District Court for the District of Nebraska embraces the District Court of Dawes County, Nebraska.
9. A notice of the filing of this Notice of Removal will be filed in the District Court of Dawes County, Nebraska.

Wherefore, Plaintiff removes this action from the District Court of Dawes County, Nebraska to the United States District Court for the District of Nebraska; to request that the place of trial be held in North Platte, Nebraska, before a jury.

SHARON K. RANKIN, Plaintiff

s/Maren Lynn Chaloupka
By _____
Robert P. Chaloupka NSBA #10653
Maren Lynn Chaloupka NSBA #20864
CHALOUPKA, HOLYOKE, HOFMEISTER,
SNYDER & CHALOUPKA, L.L.O.
1714 Second Avenue
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Scottsbluff, NE 69363-2424
Telephone: (308) 635-5000
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Notice of Removal was sent via CM/ECF filing to the following on this 18th day of June, 2008:

Lonnie R. Braun
1301 Omaha Street, Suite 224
PO Box 8108
Rapid City, SD 57709-8108

s/Maren Lynn Chaloupka
